

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MATTHEW ROGERS,  
by his next friend and guardian,  
KAREN BROWN,

Plaintiff,

V.

Cause No. 3:12-cv-4055

JON WEIZENBAUM, in his official capacity as INTERIM COMMISSIONER, TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES, and KYLE JANEK, in his official capacity as EXECUTIVE COMMISSIONER, TEXAS HEALTH AND HUMAN SERVICES COMMISSION,

## Defendants.

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Plaintiff Matthew Rogers, by his next friend and guardian, Karen Brown, hereby moves to amend the Amended Scheduling Order (Dkt. No. 28) entered by the Court on June 14, 2013 as follows:

1. Challenges to expert testimony and/or expert qualifications (i.e., *Daubert*) are to be made by motions filed not later than **August 23, 2013**.
2. The Parties are to file cross-motions for summary judgment by **August 30, 2013**.
3. The deadline for the Parties to respond, with supporting briefing, to the opposing Party's motion for summary judgment is **September 13, 2013**.
4. The deadline for the Parties to reply, with supporting briefing, to the opposing Party's response to motion for summary judgment is **September 23, 2013**.

5. In the event the Court does not rule on the cross-motions by **December 3, 2013**, Defendants intend to request the case to be set for trial on the earliest available date. Plaintiff does not move for the requested relief for purposes of delay. Rather, the Parties could only arrange to conduct a deposition of the expert designated by the Defendants on August 6, 2013. Consequently, the Parties require more time to complete the tasks remaining on the scheduling order, and Plaintiff respectfully requests that this Court grant them such relief and grant him such other relief as justice requires.

Dated: August 7, 2013

Respectfully Submitted,

/s/ Mark Whitburn  
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Attorneys for Plaintiff

**CERTIFICATE OF CONFERENCE**

I hereby certify that on August 7, 2013, I contacted the counsel for Defendants, Andrew Stephens, by email who stated the Defendants do not oppose the relief sought in this motion.

/s/Mark Whitburn  
Mark Whitburn

**CERTIFICATE OF SERVICE**

I certify that on this 7th day of August, 2013, a true and correct copy of the foregoing document was transmitted via ECF to all counsel of record.

/s/Mark Whitburn  
Mark Whitburn

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## Defendants.

ORDER REGARDING UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

On this day came to be considered Plaintiff's Unopposed Motion to Amend Scheduling Order (the "Motion"). Having reviewed the Motion, the Court concludes that the Motion is meritorious and should be granted.

Accordingly, it is ORDERED, ADJUDGED and DECREED that the Scheduling Order in this case is amended as follows:

1. Challenges to expert testimony and/or expert qualifications (i.e., *Daubert*) are to be made by motions filed not later than **August 23, 2013**.
2. The Parties are to file cross-motions for summary judgment by **August 30, 2013**.
3. The deadline for the Parties to respond, with supporting briefing, to the opposing Party's motion for summary judgment is **September 13, 2013**.

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DONE this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE